

II. Remarks

Reconsideration and allowance of the present application are respectfully requested.

Claims 1, 6-10, 16-22 and 25-32 currently stand in the present application. Claims 1, 10 and 22 are independent.

Claim 17 was rejected under 35 U.S.C. § 112, second paragraph, for the reason noted at Page 2 of the Office Action. Applicants respectfully traverse this rejection on the ground that the person of ordinary skill in the art would not be confused as to the meaning or scope of the claim. Nevertheless, this claim has been amended for clarity with respect to the specification and Drawings, and not in response to any statutory requirement.

Claims 1, 10, and 22 have been amended for clarity with respect to the specifications and the drawings and not in response to any statutory requirement for patentability.

On Page 2 of the outstanding Official Action, the Examiner rejected Claims 1, 8-10, 20-25, 27-28, 30, and 32 under 35 U.S.C. § 102(b) as being purportedly anticipated by United States Patent No. 4,367,410 [Wood]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Claims 1 and 10 recite that the first and second support members support the radiation source assembly and that these support members are interconnected by the third support member, that third support member having a seal that is substantially parallel to the fluid flow

direction.

The seals along larger transfer baffles 14 and 18 of Wood referred to by the Examiner are substantially perpendicular to the fluid flow direction. This can be clearly seen in Figure 1 of Wood.

With reference to Claim 22, while Applicants disagree with the Examiner's interpretation of Wood, the claim has been amended to clarify that the confining element has a pivot structure causing it to be moveable during flow of fluid in the open channel. Clearly, Wood neither teaches nor suggests any structure which would function in this manner.

Accordingly, Applicants submit that the present invention, as defined by independent Claims 1, 10 and 22 distinguishes patentably over Wood.

On Page 4 of the outstanding Official Action, the Examiner rejects Claims 22, and 24-25 under 35 U.S.C. § 102(b) as being purportedly anticipated by International Publication Number WO 99/14161 [Wedekamp]. This rejection is traversed.

Applicants note that Claim 22 recites that the confining element has a pivot structure causing it to be movable during fluid flow. Wedekamp does not disclose such a pivot structure for the confining element.

Accordingly, the Examiner is requested to reconsider and withdraw the rejection of Claims 22, 24-25 under 35 U.S.C. § 102(b).

On Page 5 of the outstanding Official Action, the Examiner rejected Claims 22, 25, 27-28, and 30 under 35 U.S.C. § 102(b) as being purportedly anticipated by United States Patent No. 5,564,765 [Scheurch]. This rejection is traversed. Reconsideration is requested.

Again, Applicants point out that Claim 22 requires that the confining element has a pivot structure causing it to be movable during fluid flow. Scheurch does not disclose such a pivot structure for the confining element.

The Examiner is requested to reconsider and withdraw the rejection of Claims 22, 25, 27-28, and 30 under 35 U.S.C. § 102(b).

On Page 6 of the outstanding Official Action, the Examiner rejected Claims 22, 25-26 and 28 under 35 U.S.C. § 102(b) as being purportedly anticipated by United States Patent No. 5,418,370 [Maarschalkerweerd]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Confining element 104 taught in Figure 3 of Maarschalkerweerd is not shown to have a pivot structure allowing it to be moveable during flow of fluid in the open channel by rotation or translation.

Accordingly, the Examiner is requested to reconsider and withdraw the rejection of Claims 22, 25-26 and 28 under 35 U.S.C. § 102(b).

On Page 6 of the outstanding Official Action, the Examiner rejected Claims 1, 6-10, 16-18, 20-22, and 25-32 under 35 U.S.C. § 102(b) as being purportedly anticipated by United

States Patent No. 5,952,663 [Blatchley]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Claims 1 and 10 currently on file state that the first and second support members support the radiation source assembly and that these support members are interconnected by the third support member, the third support member having a seal that is substantially parallel to the fluid flow direction. As seen in Figure 12, seal members 31 of Blatchley are not substantially parallel to the fluid flow direction. With reference to Claim 22, the confining element has a pivot structure causing it to be moveable during flow of fluid in the open channel. Clearly, Blatchley neither teaches nor suggests any structure which would function in this manner.

Accordingly, the Examiner is requested to reconsider and withdraw the rejection of Claims 1, 6-10, 16-18, 20-22, and 25-32 under 35 U.S.C. § 102(b).

The prior art rejections set out on Pages 7 and 8 of the outstanding Official Action are believed to be moot since the subject claims are dependent claims that refer to independent claims that are believed to be allowable.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

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